

8/29/21

Writ of Dismissal for violation of my right to face the alleged injured party and violation of the Sixth (6) Amendment

In order for a crime to exist, there must be an injured party. This is also known, in the latin phrase 'Corpus Selecti.' Corpus Selecti literally means the body of a crime. Which would be the accuser, as in the right to face my accuser. The commonwealth must produce a Corpus Selecti viz evidence that a loss that has occurred and evidence that the loss has occurred due to or as a result of a criminal agency.

Failure to establish or properly show or the proper showing of a Corpus Selecti i.e. the corps of a murder, the burned remains of arson, the stolen goods a burglary or theft, or the person so injured in a crime, is a violation of my pre-existing and constitutionally secured sixth amendment right.

According to United States v. Calhoun 999 F.2d 540 [Published in full text format at 1993 U.S. App Lexis 20032] "Proof that the criminal act took place is sometimes referred to as the corpus Selecti.

Yet standing armed or bearing arms or carrying or brandishing weapon has already been declared to not be a crime. See North Carolina Supreme Court case State v. Huntly.

The act of murder is a criminal act and would be sufficient 'Corpus Selecti' in conjunction with the body of the victim. That is both the loss being identified, the loss of life, and the criminal act of murder, which would meet the necessary requirements for a crime to exist. See United States! Guiteau, 1 Mackey 498 "... the production of the dead body gave ocular -

demonstration of the corpus selecti."

The government cannot use the constitutionally protected pre-existing right to keep (have) and bear (hold) arms as proof or evidence of a crime. Meaning there is no crime, injured party or corpus selecti nor is there an actual accuser as required by the sixth amendment.

Therefore, this matter must be dismissed, with ~~prejudice~~ prejudice. As the prosecution has failed to make a claim upon which relief may be granted.

In order to convict someone of a crime it is essential to prove the charge to the whole extent as laid in the claims made against me. Therefore, this case must be dismissed as a crime by definition, according to the Samsung tablet provided to me in jail, is "an evil act." Evil is defined as "morally objectionable behavior." Nothing I have done was a criminal act, an evil act or morally objectionable behavior.

Patterson v. New York, 432 U.S. 197. The due process clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. 397 U.S. at 354.

Masters v. United States 42 App. D.C. 350. We agree that the evil intent is an element of every crime, which must be in some way alleged and proved.

The prosecution alleges no evil intent; because there is and was none.

United States V. Angel 355 F.3d 462 'the mere harboring of an evil thought, such as the intent to engage in criminal conduct, does not constitute a crime; a crime is committed only if the evil thinker becomes an evil doer.

Plasencia-Ayala V. Mukasey 516 F.3d 738 Crime must involve some level of depravity or baseness so far contrary to the moral law that it gives rise to moral outrage... the requirement of evil state of mind has long been recognized by the United States Court of Appeals for the ninth circuit.

Apprendi V. New Jersey 530 US 466. Crimes consist of acts that are wrong. The elements of a crime is wrongful aggregation out of which the punishment proceeds; Rodriguez-Herrera V. ~~INS~~ INS 52 F.3d 238 The court found that an evil intent was necessary for a crime.

Franklin V. INS 72 F.3d 571. As the states and federal courts decisions cited in this section indicate, most courts require an evil intent element for a crime.

United States V. Amedy In ordinary cases of crime, the act charged is, in itself, criminal; the intent to commit the offence is legally inferred from the act itself. In murder, the act of killing draws after it the legal inference of the malice prepense; in larceny, the act of taking property of another proves the animus furandi, and so in other instances. The intent, or mental design, is, in all these instances proved by the act, and this intent is co-extensive with the act done. In the present case however the act done by the accused is innocent and legal in itself.

My actions are innocent and legal in itself. State v. Huntly. "The carrying of a gun per-se constitutes no offence."

The etomological definition of crime, according to etymonline.ce is from the mid 13th century and means "sinful" or "wicked," or "sinfulness" or "infraction of the laws of God."

According to the prophet and messenger of Allah, Jesus the christ, formerly known as Yeshua ben Yosuf or Joshua the son of Joseph, he teaches that "the sin lies in the wish, the desire, not the act."

This teaching alligns perfectly with the law, a crime must have evil intent. Since there is no criminal intent nor evil intent, my actions are not criminal and this case must be dismissed.

I am Lucha El Por Libertad
X Lucha El Por Libertad

A Free Moor, Political prisoner of the inquisition doing
business as "The Democracy."

Lucha El Por Libertad

8/20/21

Commonwealth V. Lucha El Por Libertad
and the Moorish Militia Cr 001099

①

Affidavit in support of Military exemption of prosecution from state statute(s) 269 § 10(a) 269 § 10(m), 274 § 7, 269 § 10(d) et seq, et alia, and lack of probable cause.

As stated previously and continuously, we cannot be charged with any of these alleged crimes as we are protected via the 2nd Amendment and must be treated as a military and therefore exempt pursuant to ALM GL ch 140 § 129 C (H) and (O) - as we are and were a military nonresidents traveling through to conduct a training exercise and operation in accordance with the laws and customs of war, we were uniformed, had/have a chain of command, openly armed and remained peaceful with the state police.

ALM GL ch ②

140 § 129 Firearms - possession

The provisions of this section shall not apply to the following exempt persons and uses:

(H) possession of rifles and shotguns and ammunition therefore by non residents traveling in or through the commonwealth.

(O) persons in the military or other service of any state

United States V. Yunis 924 F.2d 1086 "The court further instructed the jury that it could find that the ... militia is a military organization only if the group has a hierachial command structure and conducts its operations in accordance with the laws and customs of war and if its members have a uniform and carry arms openly." The court held that a fixed emblem recognizable at a distance was →

the test for whether militiamen and members of volunteer had the right and responsibilities of national armies.

Specifically, the district courts uniform instructions find sufficient support in international agreements that bear on the question. See Geneva Convention relative to the treatment of prisoners of war. Opened for signature Aug. 12, 1949 art 4(A)(2), 6 U.S.T 3317 3320 T.I.A.S. NO 3364 [Herein after Geneva Conven Hague convention NO 10 respecting the law and customs of war on land, Oct. 18, 1907 annet § 1, ch. 1, art 1, 36 stat 2277, 2295-96 T.S. NO 539 [Herein after Hag convention NO. 10] The Geneva convention signed by 167 nations... establishes "having a fixed and distinctive signal recognizable at a distance" as one of the four necessary conditions that qualify the members of a militia for treatment as prisoners of war. "Uniform", "signal" or "emblem" are interchangeable.

① command, ② uniform, ③ open carry of arms ④ Conduct operations in accordance with the laws and customs of war.

X Lucha El Por Libertad
A Free Moorish National

Lucha El Por Libertad

8/24/21

Notice of violation of my constitutional
secured right to discovery and constitutional
secured right to prepare a proper defense for myself

facts

①: Upon receiving a document titled "Commonwealth notice of discovery I"
The "Commonwealth" has lied on the record by stating that they/it
has allowed me to "discover, inspect, and copy..." the materials provided

In the "items produced in discovery" portion of the document, I
have not received any of the items listed under enumerated paragraph "I"
letters or number /ii/ investigative reports (7 pages), iii interview report,
I (2 pages), iv search warrant execution report / 2 (1 pages), v. interview
report / 30 (2 pages vi, interview report / 4 (2 pages) and vii search
warrant Execution report / 5 (3 pages)

fact

②: The 'Commonwealth' via its attorney is in violation of the "Brady
Doctrine" by refusing to release ~~the~~ body cam footage that was taken
off my comrade upon our arrest. The Commonwealth via its attorney
must also produce the highway camera footage and drone camera
footage

③: Since Emily A. Karsetter willingly and intentionally refused to
acknowledge and accept approximately 20 written character witness statements
filed on behalf of my brothers and I July 9th, 2021 at 9:08 AM; as
well as failed to follow precedence and release my brothers and I on
our own recognizance since we are supposed to be innocent until proven
guilty. She unconstitutionally forced me into jail without warrant for approximately
130 days. Since I am held unconstitutionally I am unable to prepare
a proper defense for myself. I am therefore unable to review any
alleged video footage allegedly provided in discovery.

My right to be innocent until proven guilty has been deprived. I am being deprived of my 1st amendment right, 2nd amendment right and my right to life, liberty and the pursuit of happiness. I am being denied my religious rights as a Moor and I will be there by charging the common wealth \$1,000.00 (one thousand dollars) a day for damages, including finances for commissary, phone calls and texts etc.

I hereby affix my autograph stating the above to be true to the best of my ability. All praise due Allah and his Holy prophet Noble be:AM

I am Lucha El Por Libertad
X Lucha El Por Libertad

A Free Moorish American National, a Moslem and proud member of the Rise of the Moors Civic Organization

Myself as well as my brothers being detained is bondage

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Lucha El Por Libertad
Lucha El Por Libertad